

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ELEODORO HERNANDEZ, on behalf)	
of himself and all others similarly)	
situated,)	
)	
Plaintiff,)	Civil Action File No.
)	1:16-cv-1328-AT
v.)	
)	
K & M DELI OF SAVANNAH, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
_____)	

**DEFENDANT K&M DELI OF SAVANNAH, INC.’S
OFFER OF JUDGMENT**

Pursuant to FED. R. CIV. P. 68, Defendant K&M Deli of Savannah, Inc. makes the following Offer of Judgment upon Plaintiff Eleodoro Hernandez (“Plaintiff Hernandez”). Defendant hereby offers to allow judgment to be entered against it in favor of Plaintiff Hernandez in the total sum of Two Hundred and Forty-Six Dollars and Six Cents (\$246.06), which is inclusive of all potentially owed overtime compensation (\$123.03) and liquidated damages in the same amount (\$123.03). Additionally, as determined by the Court and through the date of this offer: (1) an award for costs accrued as of the date of this offer; and (2) an award for reasonable and necessary attorney fees pursuant to the Fair Labor Standards Act. This offer is made pursuant to Rule 68 and is not an admission of guilt or liability by Defendant.

In accordance with Rule 68, if a judgment obtained by Plaintiff Hernandez is not more favorable than the above-stated offer, Plaintiff Hernandez will not be entitled to costs or attorneys' fees incurred by him after the date of the offer and Plaintiff Hernandez will have to pay the costs incurred by Defendant after its making of this offer, which may include Defendant's attorneys' fees.

This offer shall be deemed rejected unless accepted within fourteen (14) days of service.

Respectfully submitted this 3rd day of June, 2016.

Respectfully submitted,

/s/Steven J. Whitehead

Steven J. Whitehead

Georgia Bar No. 755480

Shawntel R. Hebert

Georgia Bar No. 512220

TAYLOR ENGLISH DUMA LLP

1600 Parkwood Circle, Suite 400

Atlanta, Georgia 30339

Telephone: (770) 434-6868

Facsimile: (770) 434-7376

Email: swhitehead@taylorenghish.com

Email: shebert@taylorenghish.com

ATTORNEYS FOR DEFENDANT
K&M DELI OF SAVANNAH, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a true and correct copy of the foregoing **DEFENDANT K&M DELI OF SAVANNAH, INC.'S OFFER OF JUDGMENT** to be filed by ECF and served upon counsel of record via the Court's electronic notification addressed as follows:

V. Severin Roberts, Esq.
Barrett & Farahany
1100 Peachtree Street, Suite 500
Atlanta, GA 30309
severin@justiceatwork.com

Respectfully submitted this 3rd day of June, 2016.

/s/Steven J. Whitehead

Steven J. Whitehead
Georgia Bar No. 755480
TAYLOR ENGLISH DUMA LLP
1600 Parkwood Circle, Suite 400
Atlanta, Georgia 30339
Telephone: (770) 434-6868
Facsimile: (770) 434-7376
Email: swhitehead@taylorenghish.com

ATTORNEY FOR DEFENDANT
K&M DELI OF SAVANNAH, INC.